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3 **Town of Charlotte**  
4 **PLANNING COMMISSION**  
5 **Meeting Conducted at Town Hall and via Teleconference**  
6 **April 6, 2023**

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8 *As approved by the Planning Commission – 5.18.23*

9 **Planning Commission:** Charlie Pughe, Gerald Bouchard, Robert Bloch, Carrie Spear, Kyra Wegman. (Absent: Linda Radimer)

10 **Staff:** Larry Lewack, Town Planner; Nicole Burnell, Recording Secretary

11 **OTHERS:** Frank Tenney, Paul Plante, JD Herlihy, Peter Joslin, Alexa Lewis, David Miskell, Lynn Hale, Malcolm Green, Kelly Devine, Michael and Margaret Russell, JD Herlihy, Claudia Mucklow, George and Pat Lavalette, Rebecca Foster, Deidre Holmes, Jacob Clark, Ken Spencer, Eliza Spencer, Sharon Mount, Lydia Clemmons

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16 **Posted Agenda:**

17 7:00 PM Call to Order  
18 7:02 PM Changes to Agenda (if any); Public Comment  
19 7:05 PM Presentation by Encore reps re: proposed Lake Rd. solar project  
20 7:20 PM Discuss comments from March 23 public hearing on cannabis standards; consider  
21 revisions to draft based on feedback; timing of legal review  
22 8:30 PM Review/Approve draft meeting minutes: for March 23 mtg.  
23 8:40 PM PC Rules of Procedure draft: good to go?  
24 8:50 PM Adjourn  
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26 **Call to Order:** Charlie Pughe called the meeting to order at 7:01 p.m.

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28 **Changes to Agenda (if any):** Larry Lewack forwarded request for appointment of two Planning  
29 Commission members for the Zoning Administrator search committee.  
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31 **Public Comment:** None.  
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33 **Presentation by Encore reps re: proposed Lake Rd. solar project:**

34 Jacob Clark presented an overview of Encore Renewable Energy and the proposed project  
35 on Lake Road including: 21 acres, a total of about 12,500 solar panels, will be fenced in, includes 2  
36 transformers, with an access road heading north from the driveway leading to the commuter rail  
37 station off Ferry Rd. They must secure easements from VT Transco (owner of the power sub-  
38 station) and VTrans (owner of parcel around the train station) to cross those properties.

39 Permitting and approval process will be through the VT Public Utility Commission (PUC),  
40 which (if approved) will issue a Certificate of Public Good (CPG), under section 248 regulatory  
41 statute. State cannot issue a CPG unless environmental criteria have been satisfied. Town has a  
42 right to participate in this process, to certify if this project is in compliance with Town Plan, hence  
43 collaboration with the Planning Commission. (But, town cannot require a local permit.)

44 An aesthetic evaluation and landscape plan will be required. Vegetative screening of panels  
45 with plantings of deciduous hedges and conifers may be needed. Sheep will be rotating in and out  
46 to graze, soil health improved by sheep and planting pollinator grasses. Green Mountain Power  
47 will purchase the 5 MW of power generated there. Project would pay into a decommissioning fund

48 to cover the cost of removing the panels, once the 25-year license expires. Project is estimated to  
49 bring in \$400-500K in municipal taxes and state educational funds over the life of the project.

50 Gerald Bouchard questioned the life of the project. Jacob responded 25 years, after which  
51 they would remove or replace the panels; the entire approval process will be required again. Kyra  
52 Wegman asked about current features of the land; it looks like forest from the site plan. Jacob  
53 noted it's mostly scrub and open land. Charlie questioned if the interconnection would be  
54 underground. Jacob confirmed yes. Kyra requested clarification on procedure. Jacob clarified the  
55 application process is lengthy, typically lasting 8 to 16 months. Kyra asked, who are the  
56 landowners of the proposed project site? Jacob responded Michael and Margaret Russell.

57 Frank Tenney asked about the access from Ferry Road. Jacob confirmed the need for  
58 easements to be obtained from VTrans and VT Transco. Ken Spencer believes the solar farm would  
59 be highly visible from traffic along Greenbush Rd. & asked if allowing that is consistent with the  
60 Town Plan. Ken asked about the timeline for project approval. Jacob noted many variables that can  
61 impact the timeline. For example, they cannot fully assess the presence of rare, threatened and  
62 endangered species and wetlands except during warm weather months. The application likely  
63 won't be ready to submit before this August. Ken asked when town could provide input to PUC.  
64 Charlie and Jacob elaborated on Town process, including when & how the Town could become an  
65 interested party, so our views are fully considered in the permit process. The town could also ask  
66 for another presentation from Encore, when more detailed application materials will be available.

67 In reference to visibility, Eliza Spencer noted that trees had recently been cut along the  
68 train tracks. Charlie clarified that the clearing was completed by Vermont Rail Systems, not  
69 Encore. Sharon Mount requested that the Conservation Commission be notified of projects of this  
70 magnitude in advance to assess potential impact to natural resources. Rebecca Foster from the  
71 Energy Committee noted enthusiasm for their proposed strategy of land stewardship, using sheep  
72 for grazing and planting wildflowers. Rebecca asked about Renewable Energy Credits (RECs) and  
73 stated desire for them to stay local. Pat Lavalette noted the presence of wildlife corridors in this  
74 area. Pat asked if their property value would be reduced due to alleged degrading of their scenic  
75 views from building this facility, and conveyed concern that project would be built in (what might  
76 be) wetlands. Lydia Clemmons asked us to consider the "industrialization" she believes has  
77 already occurred in this area of Charlotte. She suggested Commission members walk the meadows  
78 on the Clemmons Farm to get a visual sense of the landscape before anything is built.

79

80 **Discuss comments from March 23 public hearing on cannabis standards; markup draft**  
81 **based on feedback; timing of legal review:**

82 In review of Table 2.4 draft, Charlie noted permitted use up to 10,000 sq. ft. is consistent  
83 with other manufacturing, not 10,000-20,000 sq. ft. This will be edited. Larry confirmed the same  
84 for testing, permitted up to 10,000 sq. ft. Charlie identified previous concern that Tiers 4 to 6 are  
85 not included. Larry suggested removal of Tiers in draft, but that anything larger than 10,000 sq. ft.  
86 would be considered as a conditional use. These standards would also apply to indoor cultivation.  
87 Regarding mixed use, Charlie asked where defined? Larry said he is planning on adding a draft  
88 definition for that. Frank suggested mixed use and mixed use Tier 1 be defined separately. Larry  
89 responded that the Developmental Review Board often has applications before them which  
90 propose multiple uses, and are able to consider each use separately in drafting approvals. Mixed  
91 use is a broad term; it will be difficult (but unnecessary) to anticipate all possible combinations.

92 Pertaining to Section 2.5, Rural District, Charlie questioned why Adaptive Reuse was  
93 allowable for manufacturing but not testing. This will be revised. Charlie clarified that outdoor  
94 Tier 1 on an existing farm is permitted without site plan review. Tier 1 indoor cultivation and  
95 Tiers 2-6 outdoor and indoor cultivations in Rural District will be reviewed as conditional uses.

96 Charlie asked that Larry address inconsistencies in Section 4.3. Charlie moved on to Section  
97 4.11 and asked if Home Occupation should be reconsidered. Charlie reiterated that Home  
98 Occupation cannot be excluded if treating cannabis like any other business. This section will be  
99 deleted.

100 Charlie directed attention to Section 4.20 A) Applicability and need to clarify Tier 1 on  
101 existing farm as exception. C) Review Standards – change ‘buffers’ to ‘setback.’ Remove of 500 ft.  
102 setback to schools, as it only applies to retail cannabis, 100 ft. setback from surface waters,  
103 wetlands, wells as it would block otherwise viable projects. Proposed setbacks would only apply  
104 to new structures, but many applications will be for adaptive reuse and/or within existing  
105 nonconforming structures, which are often ‘grandfathered’ under current rules. Dave Miskell  
106 noted that the Dutch glass greenhouse he built at 700 Greenbush Rd. would not meet proposed  
107 setbacks. JD Herlihy questioned if a new structure could be built, then shortly after apply for  
108 approval as an adaptive reuse. Charlie clarified that consideration under adaptive reuse rules is  
109 only applicable to structures that are at least 50 years old.

110 Charlie discussed draft Performance Standards, specifically defining what level of odors  
111 would constitute a nuisance. JD had suggested the proposed odor standard could apply to all  
112 businesses by folding it into Sec. 3.12 (A)(3). Larry noted that during the six weeks of late-stage  
113 flowering, cannabis odors from outdoor cultivation will be very noticeable at nearby properties  
114 most of the time. Charlie suggested adding guidance on how to avoid adverse effect. Dave stated  
115 that proposed Odor standards will rule out most cannabis cultivation other than via hydroponics.

116 Regarding Lighting section, Charlie suggested deleting as it is redundant.

117 With respect to increases in water usage, Kyra suggested water use be monitored. Dave  
118 noted that the Boreas cultivation operation uses less water than Dave’s tomatoes had.

#### 119 **Review & Approve Meeting Minutes:**

120 **MOTION by Robert Bloch; seconded by Gerald Bouchard to approve the PC’s meeting**  
121 **minutes as amended for the meeting of March 23, 2023. VOTE: 5 ayes, motion carried.**

#### 122 **PC Rules of Procedure draft:**

123 Charlie offered his grammatical and clarifying revisions.

124 **MOTION by Robert Bloch; seconded by, Kyra Wegman, to adopt PC Rules and**  
125 **Procedures as amended. VOTE: 5 ayes, motion carried.**

#### 126 **Search Committee for Zoning Administrator:**

127 Robert and Carrie Spears agreed to participate.

128 **MOTION by Kyra Wegman; seconded by, Robert Bloch, to appoint Robert Bloch and**  
129 **Carrie Spears to the Zoning Administrator search committee. VOTE: 5 ayes, motion carried.**

#### 130 **Interested Party for Encore proposed Lake Rd. solar project:**

131 **MOTION by Charlie Pughe; seconded by, Robert Bloch, for Charlotte to become an**  
132 **interested party in Encore’s proposed Lake Rd. solar project. VOTE: 5 ayes, motion carried.**

#### 133 **Adjournment:**

134 **MOTION by Kyra Wegman; seconded by, Robert Bloch, to adjourn the meeting. VOTE:**  
135 **5 ayes, motion carried.** The meeting was adjourned at 9:03 p.m.

136 Minutes respectfully submitted:

137 Nicole Burnell, Recording Secretary, with edits by Larry Lewack, Town Planner